

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 17-60907-CIV-MORENO

FEDERAL TRADE COMMISSION, and
STATE OF FLORIDA,

Plaintiffs,

v.

JEREMY LEE MARCUS, *et al.*,

Defendants and Relief Defendants.

Plaintiffs' Second Notice of Status of Proceedings Pursuant to Doc. 227

Plaintiffs, the Federal Trade Commission and the Office of the Attorney General, State of Florida, Department of Legal Affairs (“State of Florida”) (collectively, “Plaintiffs”), file this Notice in connection with the Court’s Order at Doc. 227 requiring Plaintiffs to notify the Court of the current status of the proceedings by September 13, 2018.¹

Final orders have been entered against all substantive defendants and relief defendants, except as specified below. The following matters are open but once resolved, will effectively resolve this case:

1. Plaintiffs’ Motion for Entry of Stipulated Order of Voluntary Dismissal Without Prejudice as to Relief Defendant James Marcus is currently pending before the Court. Doc. 295.
2. Plaintiffs are currently seeking approval from their respective agency heads to dismiss without prejudice relief defendant 110 Gloucester St., LLC, which is now a

¹ The Order requires Plaintiffs to notify the Court by June 13, 2018 and every three months thereafter. Doc. 227.

receivership entity (Doc. 286). If approved, Plaintiffs will then seek that dismissal from the Court.

3. Pursuant to Doc. 292, Plaintiffs have until September 26, 2018 to file additional affidavits, if necessary, as to damages or relief sought with regard to the default final judgment entered against relief defendant Teresa Duda (“Duda”) (Doc. 162), who is defendant Jeremy Marcus’ mother. Plaintiffs are evaluating what, if any, additional filings are necessary in light of the following:

a. Plaintiffs and the Receiver filed declarations from the Receiver and his accountant showing that Duda improperly received \$145,341.10 traceable to defendants’ deceptive acts and practices to which she has no legitimate claim. Docs. 237, 239. This is the proven amount Plaintiffs seek against her.

b. On May 1, 2018, the Receiver filed a Motion to Compel Turnover of Real Property by Teresa Duda or, Alternatively, for an Equitable Lien and attached a proposed order (the “first proposed turnover order”). Doc. 237.

c. On July 3, 2018, the Receiver filed a Joint Notice of Consent for Entry of Agreed Order Granting Receiver Jonathan E. Perlman’s Motion for Turnover of Real Property by Teresa Duda or, Alternatively, for an Equitable Lien, which attached a second proposed order. Doc. 271.

d. On August 24, 2018, the Court entered the first proposed turnover order. Doc. 287. Execution on the turnover order would satisfy the judgment amount Plaintiffs would seek against Duda.

4. There is evidence that defendant Jeremy Marcus has likely violated the Preliminary Injunction Order (Doc. 21) and the Stipulated Order for Permanent Injunction and

Monetary Judgment against him (Doc. 231). In this regard, we anticipate further proceedings may be necessary.

Dated: September 13, 2018.

Respectfully submitted,

ALDEN F. ABBOTT
Acting General Counsel

/s/ Angeleque P. Linville

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of September, 2018, I electronically filed the foregoing document with the Clerk of the Court by using the CM/ECF system. I also certify that the foregoing document is being served this date on all counsel of record or *pro se* parties on the attached Service List via transmission of Notices of Electronic Filing generated by the CM/ECF system, or for those counsel or parties who are not authorized to receive CM/ECF Notices of Electronic Filing, is being served in the manner specified.

/s/ Angeleque P. Linville
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